

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: :
MCKOY, et al., : Docket #18cv9936
 : 1:18-cv-09936-LGS-SLC
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 Plaintiffs, :
 :
 - against - :
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 THE TRUMP CORPORATION, et al., : New York, New York
 : September 20, 2023
 Defendants. :
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PROCEEDINGS BEFORE
THE HONORABLE SARAH L. CAVE,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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None

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
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THE COURT: Good afternoon, this is Magistrate Judge Cave. We're here for a conference in McKoy v. The Trump Corporation, case number 18cv9936. Counsel, please state your appearance for the record.

MR. JOHN QUINN: Good afternoon, Your Honor, John Quinn from Kaplan Hecker on behalf of the plaintiffs.

THE COURT: Okay, good afternoon. And for defendants. Okay, how about for ACM?

MS. STEPHANIE NIEHAUS: Yes, good afternoon, Your Honor, this is Stephanie Niehaus.

THE COURT: Good afternoon. And do we have any counsel for defendants on the line?

MR. PETER SHAPIRO: Yes, good afternoon, this is Peter Shapiro for defendants.

THE COURT: Okay, good afternoon, to all of you, nice to meet you. May I have the appearances starting with the plaintiff please.

MR. PETER SHAPIRO: Good afternoon, Your Honor, John Quinn from Kaplan Hecker on behalf of the plaintiffs.

THE COURT: Okay. So the issue for this afternoon concerns ACN and some post-deposition (indiscernible) for class that the plaintiffs had made

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concerning the non-party IBO witnesses, Mr. Blum, Ms. David, Mr. Berringer, and Ms. Richardson, and specifically some ACN VIP portal records. So, Mr. Quinn, would you like to start?

MR. QUINN: Sure, thank you, Your Honor. And I'll be brief. To start, I'll emphasize that while these individuals were only disclosed, you know, as the Court knows, on the last day of fact discovery, these witnesses have become really central to defendant's case as is clear from their class cert and their summary judgment papers. And all four of them in particular testified that they were successful with ACN, and the defendants have trumpeted that throughout their papers as a direct response to the plaintiffs' claims here, essentially arguing that plaintiff can't prove that what Mr. Trump said about ACN was false because here are, for example, the people who say they made money. And quoting from their brief in support of summary judgment, that, in particular, the evidence is indisputable that many IBO's made money in varying amounts in excess of their investments. That's ECF 592 at 28.

So central to their case has become the idea that these four witnesses claim that success means profitability, and ACN I think the other important piece

of background here is that ACN itself brought these individuals into the case and these individuals have entered the case voluntarily. None of them, until our deposition subpoenas, none of them received subpoena, and all four of them testified that it was an ACN executive who called them, asked them if they would, you know, sort of do a favor, agree to testify in this case, share their own experiences. We don't know how many people that individual asked, but these four said yes, at which point ACN introduced them to defense counsel and has paid for their, you know, arranged for counsel, paid for counsel, and paid for their travel expenses. So ACN has brought these people into the case, they've come in voluntarily, and they have become key witnesses for the defense.

The evidence that we're talking about now, the VIP portals, are really critical evidence because at their depositions all four individuals said they had varying definitions of what success meant, they're not sure that that really meant profitability per se, and, in fact, they couldn't tell us how much money they made in any particular year. Mr. Plum said he had no idea how much money he was making. They couldn't estimate their expenses. They couldn't even state for any

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particular year whether they, in fact, made a profit or whether the expenses exceeded their income.

So they really weren't able to testify to the point that defendants, you know, seek to glean from their declarations. Counsel has also since told us that those individuals, despite some of their testimony to the contrary, do not actually have records that bear on these questions. And ACN has also said it didn't save their 1099's which was something that many of them pointed to. You know, I don't know, ACN sent me a 1099, that's where I would look. ACN didn't keep those, at least not for the relevant years.

So these VIP portal records, which are essentially just back office printouts that show what was happening with these people, what transactions they were engaging in with ACN, what products were they ordering, what were they selling, how much money were they making, what were the commissions, etc. It is essentially the only evidence that bears on the question that defendants have made central to their defense. We've been seeking their production since June, the production of these documents.

You know, at the Court's directive, we took the depositions first and we asked some of these questions

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to figure out what the witnesses could testify to and what records did or did not exist. And ACN has said, in its sworn declaration, that it has the records right front of it, it's looking at them, and it also, of course, can't contest that when the defendants asked to see plaintiffs' records, ACN turned them over without hesitation. ACN has also not asserted any privilege nor could they. These aren't legal documents and they don't involve communications with lawyers.

THE COURT: Right.

MR. QUINN: So I think at the end of the day, this is pretty straightforward. We are talking about highly relevant evidence about central defense witnesses that illuminates their actual experience with ACN, and ACN can produce them with no burden and without implicating any privilege.

So, you know, in those circumstances we call for their production, as ACN did when the defendants asked for these records for the plaintiffs. ACN's refused. I can provide an update even beyond our papers, but we had a meet and confer yesterday to try one more time to resolve this during which ACN offered to produce them but with heavy, heavy redactions for relevance. So all we would be able to see is what ACN

determined to be expense related. We, of course, rejected that as inconsistent with what ACN did with respect to the plaintiffs, and because all of the context here about how these people were engaging with ACN in terms of transactions, it's just obviously relevant and presents no privilege or burden issue, and the confidentiality order really takes care of anything else.

I mean as this Court has recognized, and we've looked at some of Your Honor's prior decisions, and I can give the Court some cites, but unilateral redactions for relevance when there's no privilege or burden issue and there's a confidentiality order in place just aren't, you know, acceptable. So that was not an acceptable compromise to us.

So I think that's what we are, and we've asked accordingly for an order compelling production of the VIP portal records that ACN has in front of it.

THE COURT: So as I understand it, and I'll hear from Ms. Niehaus in a second, but part of ACN's argument is that they have provided you with equivalent information. Why is it that what ACN has already provided doesn't satisfy your inquiry about being able to answer this question about whether these four

1 individuals were successful?

2 MR. QUINN: Well, I think two responses to
3 that. Number one, what they provided so far is just a
4 list by year of total amounts earned. No breakdown of,
5 you know, kind of how is that a reimbursement from a
6 prior year, it's genuine profit, you know, nothing else,
7 none of the color that they provided to the defendant
8 but not to plaintiffs.

9 THE COURT: Okay.

10 MR. QUINN: And they've now offered, you know,
11 we'll kind of do the same for expenses insofar as those
12 were things they purchased or ordered from ACN. But
13 these records in total really are, I mean every piece of
14 them is sort of squarely relevant. They just show what
15 was these witnesses' actual experience with ACN. No one
16 has contended that they're not relevant to the case,
17 especially if they're witnesses who kind of voluntarily
18 come into this and claim success and become so central
19 to the defense theory.

20 So I think really two reasons. One, you know,
21 a list of payments derived from them doesn't give, even
22 on the profit question, sufficient information to really
23 understand what's happening. But, more broadly, I think
24 our position is everything in these records is
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indisputably relevant. These have become key witnesses, there's no privilege or burden issue, and insofar as ACN could even concoct another issue, it surely waived it when it produced these exact records with no relevancy redactions to the plaintiffs. And these people aren't that differently situated. They're not non-parties who were dragged into this. They had voluntarily walked into it. In fact, ACN brought them into it. So it should just produce their records.

THE COURT: What was the volume for these records for one of the plaintiffs, for example, is this pages and pages or is it a small amount?

MR. QUINN: I'm looking at one of the plaintiffs' records in front of me and the printout, I mean it's sort of a database, but the printout is eight pages long. I suspect for these folks, you know, who are in a bit longer and had more involvement, that they would be longer. But, you know, they are a set of records that have already been printed out and reviewed, so I don't think that that volume creates any burden, and there's no privilege issue, you know, whatsoever. There aren't communications in here. These are just transaction records essentially.

THE COURT: Okay. Thank you, Mr. Quinn. Ms.

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Niehaus.

MS. NIEHAUS: Yes. Good afternoon, again, Your Honor. I think, you know, I can respond to some of the hyperbolic points that Mr. Quinn has made about who brought who to the table here and the critical significance of these four individuals who, frankly, you know, provided these statements a year ago, believing that was sort of going to be the end of the situation. You know, what we have provided consistent with this Court's order at 623, which is, in fact, an order and not just a docket entry as plaintiffs tried to dismiss it in their letter to the Court. But we've provided a declaration with available 1099 information for each of the individuals going back to 2019 as well as a summary chart of information drawn from their VIP portal records.

I don't know why Mr. Quinn thinks they've been printed out and they're just sitting in front of ACN. They're not. These are computerized electronic records that were consulted and produced a summary chart of their, well, it's not even their income from ACN. It's payments that were made by AN to them which could potentially include reimbursements for certain amounts, and that's just not clear from the VIP portal records.

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So it's not even necessary income to them, but the 1099's were not available prior to 2019. And that was produced in conjunction with a declaration from an ACN executive and produced to plaintiff.

They have since come back, as you know, and as Mr. Quinn explained, and demanded full VIP portal records for each of these individuals. Yesterday, at my request, based on the representations made to this Court and the plaintiffs' letter of Friday, that what they were really interested in is profitability information for these four individuals. I said that ACN was willing to provide information from the VIP portal records to demonstrate amounts paid to ACN by each of these four individuals either in a summary form or we could produce printouts that may be redacted but printouts of the relevant portions from VIP portal showing expenses.

As plaintiffs have acknowledged, as has been clear all the way through, that is not necessarily all amounts paid by these individuals or any other individual IBO in connection with their IBO business, but it's amounts that the IBO's may have been paid to ACN for materials for registrations, things along those lines. That is the information that is available to ACN.

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2 And, you know, that is what plaintiffs have
3 been focused on both as they represented to Your Honor,
4 during the depositions, and the recent correspondence,
5 and in their requests to ACN, they want to know what the
6 net profit was for each of these individuals. We have
7 now offered to provide that to them in conjunction with
8 a declaration if they'd like from ACN that these, that
9 this is information drawn from the VIP portal records.

10 But the plaintiffs want the full VIP portal
11 records for these individuals which are not indisputably
12 relevant to anything at issue in this case. There are
13 proportionality limitations particularly as it relates
14 to non-parties, and I can cite to Your Honor guidance
15 from a New York district court on that specific issue.
16 I think it cannot go unrecognized that these are for
17 individuals who do have privacy considerations. They
18 have not put themselves at the center of this
19 litigation. They did appear voluntarily, they offered
20 testimony, and they do have an interest as does ACN in
21 protecting the other information that is in their VIP
22 portal or that may be in their VIP portal.

23 Each of these individuals has been with ACN for
24 a much longer period of time than the plaintiffs in this
25 case, meaning that their VIP portal records are

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substantially longer and include much more information, including name, address, email address, date of birth, their start date, their approved contact personal information, case information, their upline and downline information. Those are, you know, that's information for other individuals who are not even potential witnesses in this case. It may include any RAF (phonetic) codes that reflect the calls that they may have made to ACN over time.

Mr. Plum, for example, his service goes back to 2003, so you can understand that these are significantly more voluminous, would require much more review and redaction at the very least of personal identifying information.

And, you know, frankly, Your Honor, this feels like a fishing expedition especially over the back of these depositions that plaintiffs conducted where they focused not so much on the declarations that these individuals submitted or the substance of those declarations, but, for example, in the case of Ms. Richardson, whether she was baptized by somebody in her ACN upline. They put in front of her pictures from her social media and asked her questions about whether she had been baptized, whether she had found Jesus as a

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2 result of ACN, completely unrelated and irrelevant and
3 obviously intended to embarrass and harass her.

4 The concern here is that is exactly what
5 plaintiffs are angling for by seeking the entire VIP
6 portal records for these individuals, not the
7 information that they have represented to this Court
8 that they feel is necessary to develop their case which
9 is profitability information which is what ACN has
10 offered to provided.

11 We would ask the Court to direct the plaintiffs
12 to discontinue their efforts to get overbroad
13 information from both ACN and these individual IBO's.
14 We will provide the expense information, as I informed
15 Mr. Quinn yesterday, but that should be sufficient to
16 satisfy the express document demands that plaintiff has
17 issued to these individuals and ACN outside of the
18 discovery period and, you know, without even a subpoena
19 at this point for that information because this Court
20 denied their request for, to issue document requests to
21 ACN back in June.

22 THE COURT: Okay, so what is the information
23 that, if you were to provide the expense information on
24 the portal records, what is the information you're
25 suggesting you would be redacting?

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MS. NIEHAUS: Well, we could probably - I think the easiest approach is to do what we did with the payment information that was derived from VIP portal records, and that is to create a summary chart and produce that with a declaration authenticating it and explaining how the information was pulled out of the VIP portal records. The alternative would be to print the portion of the VIP portal record that includes that expense information and redact anything that goes beyond the expense information that might be included in that section of the VIP portal.

I'm frankly not - I've never been on VIP portal, I'm not familiar with it, but my understanding from my client is that it would be possible to extract that expense information and produce it. Our concern, of course, would be that if there's PII or some other information sort of outside the scope of that request, that we would redact that. But we've offered to produce the information to plaintiffs in one of those two ways, and their response was no, we want the whole VIP portal record because that's what you gave defendants pursuant to a subpoena, by the way, for the plaintiffs.

It feels punitive and it feels like an effort to make this extremely difficult on these four

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2 individuals and ACN who continue to be non-parties in
3 this litigation.

4 THE COURT: Well, I mean, as we've talked about
5 several times, ACN is a little bit different than the
6 typical non-party. You know, we've seen you quite a
7 bit, and we've had a number of issues relating to ACN.
8 So it's a little bit different than a typical, you know,
9 non-party completely unfamiliar with the subject matter
10 of the litigation.

11 But the concern that I have about what you've
12 provided and the option about providing just a summary
13 document with a declaration is admissibility. And
14 obviously we're not addressed admissibility of this
15 evidence today, but down the road, when this case gets
16 to trial in front of Judge Schofield, you know, the
17 better evidence is an original record rather than a
18 summary chart that was prepared by someone. And maybe
19 defendants are not going to have an issue with the
20 authenticity or, frankly, the plaintiff as well, you
21 know, the parties may not have an objection necessarily,
22 but I'm just trying to avoid an issue coming up in front
23 of Judge Schofield that could be resolved by simply just
24 providing the records themselves and not having to worry
25 about disputes about the authenticity and the

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2 correctness of an information that's provided in a
3 summary chart. So I think that's a valid concern on the
4 part of the plaintiff to, you know, to have a document
5 that's just generated as opposed to the original records
6 themselves.

7 MR. QUINN: Your Honor, if I might just briefly
8 speak to that and address a point that Mr. Niehaus made.

9 THE COURT: Sure.

10 MR. QUINN: Yeah, I think it's - well, first,
11 I'd like to just briefly address the suggestion that we
12 in any way harassed these witnesses or behaved --

13 THE COURT: I don't want to retry - I already
14 had this take a phone call from you guys during a
15 deposition, and I tried to tamp down on the subject
16 matter. So I'm really not interested in relitigating
17 what these witnesses were asked or not asked and just
18 focus on these documents. So if you need to make a
19 record, that's fine, but I'm not really interested in
20 that.

21 MR. QUINN: Okay. Understood. I'll simply
22 move past the point, Your Honor. I think important to
23 note that, even in her comments today, Ms. Niehaus very
24 carefully parsed a distinction that I'm not even sure I
25 understand between payments versus income, acknowledged

1 that in some ways, you know, reimbursement may
2 complicate that picture. There was kind of similar
3 parsing around the expense question. All of which just
4 highlights, you know, context is key. Seeing the
5 reality, the actual evidence, what happened, what were
6 these transactions, what was the flow of money as
7 between ACN and these people. That is key, and despite
8 Ms. Niehaus' presentation, I don't think there can be
9 any denial ACN contacted these people, they inserted,
10 they made these declarations voluntarily, and defendants
11 relied very extensively on them.
12

13 And what I'll also just point out, you still
14 heard no assertion of privilege, not even clear what
15 review would be needed. In every discussion we have
16 ever had about the protective order in this case, we
17 have acknowledged and reiterated that protecting PII is
18 something we have no issue with and that is properly
19 designated under the protective order and properly
20 sealed. So I just don't understand why the protective
21 order is a sufficient solution here, and in the absence
22 of any privilege suggestion and given the voluntary
23 appearance in the prior production for the plaintiffs, I
24 think just production of the full records is
25 appropriate, and the protective order solved any

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remaining concern.

THE COURT: Yeah, I mean I think Ms. Niehaus' point is that these are non-parties, and so to the extent that their email addresses and people they spoke to, I agree, it's really not relevant. As you point out, said redactions for relevance purposes are not relevant in other cases, but do you have any objection, Mr. Quinn, to redacting things like contact information or social security numbers or names of other people who might appear in these portal records?

MR. QUINN: I guess my main priority, Your Honor, is to get as much evidence as possible about these four individuals' interaction with ACN. You know, so if that's where the Court draws the line, I think that, that's certainly better than where we were. I do think, and, again, we would've done all of this in discovery if defendants had simply disclosed these witnesses at the beginning instead of at the end of discovery. So I know that the timing is unfortunate for everyone, ourself included. We would like very much to be preparing for trial and not trying to belatedly understand the defendants' case and take appropriate discovery on it, but that is where we are because of their disclosure failures.

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But, frankly, I do think if there are people that these four individuals recruited into ACN, I'm not sure why it wouldn't be appropriate for the plaintiffs to contact those individuals and ask questions about how that actually proceeded, and, you know, Mr. Plum said his definition of success is recruiting other people and teaching them how to become successful. So if there are downline individuals, it does seem appropriate discovery and genuine discovery to me to call those individuals and ask them about that. But should the Court determine that's not appropriate, I think --

THE COURT: I just think we're -

(interposing)

MR. QUINN: -- a production of the authentic records without --

(interposing)

THE COURT: -- we're getting a little bit far afield for people who are not parties to this case. Go ahead, Ms. Niehaus.

MS. NIEHAUS: Yeah, thank you, Your Honor. I mean discovery is long closed at this point, and this just is sort of the same thing that we've been dealing with over and over again. We say we'll give you exactly what you just asked us for which is information to be

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able to discern as best as possible based on the information that's still available net profitability. And now I'm hearing that they want to identify other witnesses from these VIP portal records. So this is exactly what we're trying to cut off by offering, and it wouldn't just be redaction of names and contact information but I would request that we be required only to provide (indiscernible) discovery obligations the portions of the VIP portal records that include expense information which would identify the types of payments made, whether there were monthly fees or for tools or for events. So that's money that was paid by these IBO's to ACN. We could segregate that information so we don't even need to worry about redacting things from the rest of the VIP portal.

And we can also if they like (indiscernible) segregate the portion of the VIP portal that includes payment information. I was not trying to parse anything there. I was trying to explain that these are imperfect records that they're not necessarily income to these IBO's but may include other amounts that ACN paid to them. It's payment information, that's what it is. And so, you know, plaintiffs are free to draw their conclusions (indiscernible) --

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THE COURT: You're breaking up a little bit,
Ms. Niehaus --

MS. NIEHAUS: -- very clear up until this point
that what they are interested in is understanding net
profitability for these four individuals because of the
representations that have been made about them in this
case. And we've offered to provide that. That's the
(indiscernible) these individuals are non-parties, they
have privacy interests. They are not central to this
case. And the burden on ACN of going through these
records and redacting also is not insignificant --

THE COURT: Well, that doesn't get you very far
because the easiest thing for you to do to minimize the
burden, there is a protective order in this case. There
have been no issues with anybody violating it. The
easiest thing for you to do to make it less burdensome
for you is to just produce the records marked as
confidential. So I'm not super sympathetic to the
burden argument because I think you've already taken the
more burdensome route. I understand why you've taken
it, but the consequences of that is that you've brought
more burden on yourself by the way that you've chosen to
do this.

MS. NIEHAUS: Well, Your Honor, if I may. We

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2 have another issue going on which is not ripe for this
3 Court's consideration, but the plaintiffs have
4 challenged all of ACN's confidentiality designations in
5 this case. We're trying to work through that to come up
6 with a way that we can approach that process
7 efficiently, but they've taken the position that only
8 PII warrants confidential treatment. So simply by
9 marking these productions confidential I have no
10 confidence that they won't come back and say we don't
11 agree with that.

12 THE COURT: Well, but there's a mechanism in
13 the protective order for disputes about what's labeled
14 confidential. So, you know, and nobody has any trouble
15 finding me to raise (indiscernible) about this or
16 anything else. So there is a mechanism there. But, Mr.
17 Quinn, you wanted to add statement?

18 MR. QUINN: Yes, thank you, Your Honor, very
19 briefly. As Ms. Niehaus pointed out, we are having
20 discussions about the protective order, but, as I
21 mentioned, we have been consistent and clear throughout
22 them that PII is properly designated and should remain
23 so. So that remains a sufficient answer to the only
24 concern Ms. Niehaus has raised.

25 Just to be a little more specific about it, we

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are concerns, of course, for the reasons Your Honor has raised about overly manipulating these records or about documents prepared unilaterally by counsel, and there are some sections, should the Court determine that, you know, PII including contact information for these witnesses or members of their uplines or downlines isn't appropriate, that would be pretty easy to address. There's a box on the first page of representative information that includes the individual's contact information. You know, that could simply be redacted in some way.

And then the upline and downline sections, you know, I think is it important that we see, given that Mr. Plum, for example, said, yeah, his definition of success is recruiting people, building a downline. So I think it's important that we have access to the evidence to determine whether that's true, but there is just a name column that could simply be redacted and allow us to still see how many people were in the downline and upline and all of the other important contacts.

So given that these are the only source of the contemporaneous evidence, I think if the Court's inclined not to rest of the protective order with respect to PII either for these witnesses or for other

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2 people the interacted with, redacting names and contact
3 information really doesn't appear very burdensome
4 looking at the records that were produced, of course,
5 without redactions for the plaintiffs.

6 THE COURT: Okay. All right, Mr. Shapiro, do
7 you want to make any comments on this issue?

8 MR. SHAPIRO: No thank you, Your Honor.

9 THE COURT: Okay. All right, so my ruling is
10 that I will require ACN to produce the VIP portal
11 records for the four IBO witnesses that we've been
12 discussing. I will permit ACN, you know, ACN may
13 produce them as is if it wants to minimize the burden
14 and make the documents subject to the protective order.
15 But if ACN choses, it may redact the personal
16 identifying information for the four individuals and
17 then the other person as well as the name column for the
18 upline or downline fields of the records. Ms. Niehaus,
19 what would be your timing on (indiscernible)?

20 MS. NIEHAUS: I will have to confer with my
21 client about how long it takes to download these
22 documents, and I will say I'm not certain that we have
23 even VIP portal records going back for the full extent
24 of Mr. Plum's tenure because he had two different
25 enrollments with IBO. So I know when we gave payment

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2 information, you know, when we gave payment information
3 to plaintiff with the declaration, we only had
4 information going back to 2013. So I assume the same
5 limitation exists --

6 THE COURT: You can only produce what you have,
7 yes.

8 MS. NIEHAUS: Right. So I will need to confer,
9 but I would think two weeks would be --

10 THE COURT: Okay.

11 MS. NIEHAUS: I would hope that would be
12 sufficient.

13 THE COURT: I'll make it October 6. This gives
14 you a little bit of extra time. That's a little more
15 than two weeks.

16 MS. NIEHAUS: That is fine. (indiscernible)
17 they will want to redact information, including because
18 I don't think, you know, they have permission
19 necessarily to be sharing other IBO information from
20 those IBO's.

21 THE COURT: Well, if there are any issues with
22 meeting that deadline, you can confer with Mr. Quinn,
23 and if, you know, it's going to take you a few more
24 days, you can simply let me know. I'm just - I'm trying
25 to move this along because I know we do have a January

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2 trial date, and the parties have motions pending in
3 front of Judge Schofield. I'm not sure this will
4 necessarily impact the pending motions or not, hopefully
5 not.

6 (interposing)

7 MS. NIEHAUS: As I'm looking at the information
8 in these individuals' VIP portals, the information that
9 wouldn't be in the plaintiffs' (indiscernible)
10 necessarily because I don't believe any of them have
11 paid any customers or created a downline organization,
12 but in addition to redacting the names and information
13 for uplines and downlines, can we include customer
14 information and permitted redactions just to avoid
15 dispute down the line?

16 THE COURT: Customer names and contact
17 information. The customer, it would just indicate
18 customer without the name or any contact information.

19 MS. NIEHAUS: And obviously credit card
20 information, direct deposit details, payments to IBO's
21 including the names of the customers related to those
22 payments.

23 THE COURT: What was the last part? Certainly
24 credit card information, you know, bank routing
25 information, all of that would be --

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2 (interposing)

3 MS. NIEHAUS: And beyond the amounts, and I'm
4 not sure exactly what this refers to, but details of
5 payments to IBO's including the names of customers. I
6 mean that would be encompassed I guess in the --

7 THE COURT: I think we addressed the customer
8 names. We'll issue an order that spells this out, and,
9 Mr. Quinn, if you have any questions about the
10 redactions, certainly raise them hopefully in the meet
11 and confer with Ms. Niehaus. But hopefully it will be
12 obvious what has been redacted and that it's not
13 problematic. Okay?

14 MR. QUINN: Will do, thank you, Your Honor.

15 THE COURT: All right, anything --

16 MS. NIEHAUS: Thank you, Your Honor.

17 THE COURT: Mr. Quinn, anything further today?

18 MR. QUINN: Nothing further from the
19 plaintiffs, Your Honor, thank you.

20 THE COURT: All right, Mr. Shapiro, from the
21 defendants?

22 MR. SHAPIRO: Nothing further, thank you.

23 THE COURT: Okay. All right, thank you
24 (indiscernible), I appreciate you participating and I
25 appreciate your help getting this figured out. Thank

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you --

MS. NIEHAUS: Thank you, Your Honor.

THE COURT: -- we'll be adjourned.

(Whereupon the matter was adjourned.)

C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the United States District Court, Southern District of New York, MCKOY, ET AL. versus THE TRUMP CORPORATION, ET AL., Docket No. 18cv9936, was prepared using digital electronic transcription equipment and is a true and accurate record of the proceedings.

Signature Carole Ludwig

CAROLE LUDWIG

Date: September 21, 2023